

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN MALONE,

Plaintiff,

v.

MARK STRONG, BILL VAN HOOK,

Defendants.

CASE NO. 3:16-CV-05284-RBL-DWC

ORDER

The District Court referred this 42 U.S.C. § 1983 action to United States Magistrate Judge David W. Christel. Presently before the Court are Plaintiff's "Motion and Declaration to Extend Deadline to Provide Address for Defendant Strong" ("Motion for Extension") and "Plaintiff Requesting the Court Order Service Pursuant to Local Rule 4(C) for Mark Strong." ("Motion to Serve"). Dkt. 46, 47.¹ After review of the record, the Motion for Extension and Motion to Serve are denied.

I. Motion for Extension (Dkt. 46)

On September 28, 2016, the Court directed Plaintiff to provide an updated address for Defendant Mark Strong on behalf of all Plaintiffs in the Related Cases.² Dkt. 42. On October 11,

¹ The Motion for Extension was filed by Plaintiff's attorney, Casey Arbenz. *See* Dkt. 46. The Motion to Serve was filed by Plaintiff, *pro se*. *See* Dkt. 47.

² This case was original filed on behalf of 27 plaintiffs, who sought class certification. The undersigned recommended class certification be denied without prejudice and a new case be opened for each plaintiff. The Report and Recommendation was adopted by the District Judge assigned to this case. This case was severed. The

2016, Attorney Casey Arbenz filed a Notice of Appearance on behalf of Plaintiff. Dkt. 44. Plaintiff, through Mr. Arbenz, filed the Motion for Extension on October 20, 2016, requesting an extension of time to provide an updated address for Defendant Strong. Dkt. 46. On November 3, 2016, Attorney Craig Mingay filed a Waiver of Service of Summons on behalf of Defendant Strong in all the Related Cases. *See e.g.* Dkt. 50. As Defendant Strong waived service, Plaintiff does not need to file an address for Defendant Strong and the Motion for Extension is denied as moot.

II. Motion to Serve (Dkt. 47)

On October 20, 2016, Plaintiff, *pro se*, filed the Motion to Serve. Dkt. 47. As Plaintiff is represented by counsel, the Court will not consider any *pro se* filings in this case. *See* W.D. Wash. Local Rule 83.2(b)(4) (“When a party is represented by an attorney of record in a case, the party cannot appear or act on his or her own behalf in that case, or take any step therein . . .”). Accordingly, the Motion to Serve is denied.

Dated this 15th day of November, 2016.



David W. Christel
United States Magistrate Judge

following 24 cases remain (hereinafter “Related Cases”): *Malone v. Strong*, 3:16-cv-5284-RBL-DWC; *Mitchell v. Strong*, 3:16-cv-5530-RBL-DWC; *Fox v. Strong*, 3:16-cv-5532-RBL-DWC; *Schoonover v. Strong*, 3:16-cv-5533-RBL-DWC; *Robinson v. Strong*, 3:16-cv-5534-RBL-DWC; *Brooks v. Strong*, 3:16-cv-5535-RBL-DWC; *Parsons v. Strong*, 3:16-cv-5537-RBL-DWC; *Townsend v. Strong*, 3:16-cv-5538-RBL-DWC; *Geier v. Strong*, 3:16-cv-5539-RBL-DWC; *Jones v. Strong*, 3:16-cv-5540-RBL-DWC; *Hancock v. Strong*, 3:16-cv-5541-RBL-DWC; *Nelson v. Strong*, 3:16-cv-5542-RBL-DWC; *Rafford v. Strong*, 3:16-cv-5543-RBL-DWC; *Cole v. Strong*, 3:16-cv-5544-RBL-DWC; *Mathis v. Strong*, 3:16-cv-5545-RBL-DWC; *Jaeger v. Strong*, 3:16-cv-5546-RBL-DWC; *Brennan v. Strong*, 3:16-cv-5547-RBL-DWC; *Hopkins v. Strong*, 3:16-cv-5548-RBL-DWC; *Dumas v. Strong*, 3:16-cv-5549-RBL-DWC; *Pouncy v. Strong*, 3:16-cv-5550-RBL-DWC; *Jackson v. Strong*, 3:16-cv-5551-RBL-DWC; *McCollum v. Strong*, 3:16-cv-5552-RBL-DWC; *Coleman v. Strong*, 3:16-cv-5555-RBL-DWC; and *Turner v. Strong*, 3:16-cv-5556-RBL-DWC.